THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.5001 of 2007

13-03-2007

Between:-

M/s. Shivani Traders,
Rep., by its Proprietor
D. Arun Kumar,
Metpalli, Karimnagar district.

Petitioner

And

The District Collector (Civil Supplies)
Karimnagar district and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 5001of 2007

Oral order:

The petitioner's premises were inspected by the Vigilance Officials of the Civil Supplies Department on 19-02-2007 and the scheduled commodities (pulses stored in the premises) were seized under a mediator's report.

On 24-02-2007, the petitioner represented to the first respondent for interim release of the seized commodities to its custody pending finalization of the case under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act').

However, on 01-03-2007, the first respondent passed the impugned order directing interim disposal of the seized commodities under Section 6A (2) of the Act.

The reason recorded by the first respondent is that the sized stocks are essential commodities and would be spoiled, if stored for a longer period. The seized commodities are Red Gram; Black Gram; Green Gram and Bengal Gram and the quantities are specified in the first respondent's order dated 01-03-2007. These are not commodities, which are *per se* subject to speedy and natural decay. It is not as though the proceedings under Section 6-A of the Act cannot be expeditiously brought to conclusion. The fact that the case against the petitioner initiated under Section 6-A of the Act is not likely to be disposed of for a long period on account of the administrative or structural inefficiency, is not a ground to presume that the commodities would not survive the ravages of time for such long period of time.

For the aforesaid reason and in the light of the principles enunciated and law declared in the judgment of this Court dated

27-02-2007 in W.P.No. 3761 of 2007, the writ petition is allowed, at the stage of admission and after hearing the learned Government Pleader for Civil Supplies, to the extent of invalidating the first respondent's proceedings dated 01-03-2007 directing interim disposal of the seized commodities of the petitioner. It is however open to the first respondent to pass a fresh order in accordance with law and in the light of the provisions of Section 6A (2) of the Act. Till then, the first respondent shall not order

interim disposal of the seized commodities. It is also open to the first respondent to consider the petitioner's application dated 24-02-2007 for interim release of the seized commodities in accordance with law. No costs.

GODA RAGHURAM, J

Dated:13-03-2007
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Nb: Furnish c.c. as soon as possible.
B/o pvks/*